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 CITY OF OAKLAND

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 CALIFORNIA GROCERS ASSOCIATION

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

CALIFORNIA GROCERS ASSOCIATION, a
 California non-profit organization
 Plaintiff,
 v.
 CITY OF OAKLAND, a charter municipality
 Defendant.

Case No. 3:21-cv-00863-WHO

**STIPULATION AND ORDER
 CONTINUING MOTION TO
 DISMISS HEARING DATE**

Judge: Hon. William H. Orrick
 Dept.: Courtroom 2, 17th Floor

Pursuant to Rule 6-2 of the Local Rules of the United States District Court for the Northern District of California, Plaintiff California Grocers Association and Defendant City of Oakland, by and through their undersigned counsel, stipulate as follows:

WHEREAS, Plaintiff filed the Complaint on February 3, 2021 (ECF No. 1) challenging Ordinance 13639 C.M.S., an emergency ordinance that requires large grocery stores in Oakland to pay employees an additional \$5.00 per hour in hazard pay during COVID-19;

WHEREAS, Defendant filed a motion to dismiss Plaintiff's Complaint on April 5, 2021 with a noticed hearing date of Wednesday May 12, 2021 at 2:00 pm. (ECF No. 14);

WHEREAS, Plaintiff's response was due April 19, 2021;

WHEREAS, Alameda County has been in the Orange tier or at a moderate risk level for the spread of COVID-19 since at least March 30, 2021, according to the California Department of Public Health's Blueprint for a Safer Economy;

WHEREAS, the Governor has announced a plan to fully reopen the state on June 15, 2021, and abandon the tier system, provided enough vaccine supply exists for Californians 16 years and older to be vaccinated and hospitalization rates remain stable and low;

WHEREAS, Defendant's Ordinance 13639 C.M.S. will no longer be in effect upon Alameda County's entry into the Yellow tier or abandonment of the tier system, both of which should signify a reduction of the risk of COVID-19 transmission to minimal;

WHEREAS, the Parties have conferred regarding continuing the hearing date for Defendant's motion to dismiss in anticipation of Plaintiff either dismissing the suit if the Ordinance is no longer in effect or filing an amended complaint in the event that the Ordinance remains in effect after June 15, 2021; and

WHEREAS, this extension is the first such extension requested in this case relating to Defendant's motion to dismiss.

THEREFORE, IT IS HEREBY AGREED AND STIPULATED THAT:

1. The hearing date for Defendant's motion to dismiss is continued to June 23, 2021 at 2:00 p.m. or at a date and time thereafter that is convenient to the Court;
2. Plaintiff shall file an amended complaint no later than June 16, 2021.

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3 Dated: April 23, 2021

4 WILLIAM F. TARANTINO
5 KWAN PARK
6 ROBERT SANTOS SANDOVAL
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8 By: /s/ William F. Tarantino
9 WILLIAM F. TARANTINO

10 Attorneys for Plaintiff
11 CALIFORNIA GROCERS
12 ASSOCIATION

13 Dated: April 23, 2021

14 BARBARA J. PARKER, CITY ATTORNEY

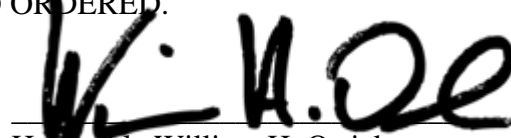
15 By: /s/ Selia M. Warren
16 SELIA M. WARREN

17 Attorneys for Defendant
18 CITY OF OAKLAND
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 26, 2021

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

Honorable William H. Orrick

UNITED STATES DISTRICT COURT JUDGE

ECF ATTESTATION

I, William F. Tarantino, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Selia M. Warren has concurred in this filing.

Dated: April 22, 2021

/s/ William F. Tarantino

William F. Tarantino

Attorneys for Plaintiff

CALIFORNIA GROCERS ASSOCIATION